

(HALL)
(J.)

OLL 85-3371/1
4 November 1985

MEMORANDUM FOR: DDA; D/OS/DDA; OIS/DDA; C/CI/DDO; C/PCS/DDO;
C/SECOM; C/ALD/OGC; C/ICAD/OGC

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FROM:

[Redacted]

Legislation Division
Office of Legislative Liaison

SUBJECT: Request for Comments: Draft Justice
Views letter on H.R. 3188

1. Attached for your review and comment please find a copy of a draft views letter on H.R. 3188 from the Department of Justice to Chairman Jack Brooks of the House Government Operations Committee. Also attached is a copy of the bill. The letter has been sent to this Office by the Office of Management and Budget (OMB) in order to obtain the Agency's views. We would appreciate receiving your comments no later than the close of business, Wednesday, November 19, 1985.

2. The bill was drafted in the summer of 1985 at the height of Congressional reaction to the Walker and other espionage cases. It represents an effort to take advantage of that reaction by including in one legislative vehicle a variety of proposals which are in some way related to counterintelligence/security issues. As a result, you will see that the bill has provisions on a wide variety of subjects: Freedom of Information Act (FOIA) relief; diplomatic reciprocity; increased polygraph use by the Department of Defense (DoD); death penalty for espionage by members of the Armed Forces; and, death penalty for civilian espionage.

3. The bill itself stands little if any chance of passage in its current form. Many of the proposals contained therein have been included in other legislative vehicles which have passed or are close to passage as the Justice letter notes. Others are so controversial within the House that any action on them is unlikely. Further, the fact that the bill has been referred to four committees indicates that little action on it is likely.

4. Even though the bill is not likely to pass, it is important that the Justice letter not express views on the issues raised by the bill which are objectionable to the Agency. Accordingly, we ask that your review concentrate not on the bill itself but rather on whether or not Justice's comments are objectionable to the Agency. In this regard, your attention is directed especially to the views expressed by Justice on the polygraph issue.

5. Your cooperation is appreciated.

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Attachments:
as stated

Distribution:

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1 - Leg/Sub - Counterintelligence/Security

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LEG/OLL (5 November 1985)